

**TAB 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
THE IT GROUP, INC., <i>et al.</i>	)	Case No. 02-10118 (MFW)
	)	Jointly Administered
Debtors.	)	
	)	
) IT LITIGATION TRUST,		)
	)	
Plaintiff,	)	Civ. A. No. 04-CV-1268 (KAJ)
	)	
v.	)	
	)	
DANIEL A. D'ANIELLO, FRANCIS J. HARVEY,	)	
JAMES C. MCGILL, RICHARD W. POGUE,	)	
PHILLIP B. DOLAN, E. MARTIN GIBSON,	)	
ROBERT F. PUGLIESE, CHARLES W.	)	
SCHMIDT, JAMES DAVID WATKINS,	)	
ANTHONY J. DeLUCA, HARRY J. SOOSE,	)	
THE CARLYLE GROUP, THE CARLYLE	)	
GROUP L.L.C., CARLYLE PARTNERS II, L.P.,	)	
CARLYLE SBC PARTNERS II, L.P., CARLYLE	)	
INTERNATIONAL PARTNERS II L.P.,	)	
CARLYLE INTERNATIONAL PARTNERS III,	)	
C/S INTERNATIONAL PARTNERS, CARLYLE	)	
INVESTMENT GROUP, L.P., CARLYLE-IT	)	
INTERNATIONAL PARTNERS, LP,	)	
CARLYLE-IT INTERNATIONAL PARTNERS II,	)	
L.P., CARLYLE-IT PARTNERS L.P.,	)	
and T.C. GROUP, L.L.C.,	)	
	)	
Defendants.	)	
	)	

## DECLARATION OF RICHARD S. WAYNE

I, Richard S. Wayne, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of Ohio, and have been admitted *pro hac vice* in the present action. I am a member of Strauss &

Troy, counsel for Plaintiff Litigation Trust in the above-entitled action. I make this declaration in support of the Memorandum in Opposition to Defendants Motion to Dismiss for Lack of Subject Matter Jurisdiction. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit 1: First Amended Joint Chapter 11 Plan for the IT Group, Inc. and its Affiliated Debtors Proposed by the Debtors and the Official Committee of Unsecured Creditors

Exhibit 2: Order Confirming the First Amended Joint Chapter 11 Plan for the IT Group, Inc. and its Affiliated Debtors Proposed by the Debtors and the Official Committee of Unsecured Creditors

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18<sup>th</sup> day of April, 2005 at Cincinnati, Ohio.

s/Richard S. Wayne  
Richard S. Wayne Attorney Bar No. 0022390

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